

FILED BY  D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE SEP 26 PM 2:26

PHILIP E. BOYNTON, <i>et al.</i> ,)	THOMAS M. GOULD
)	CLERK, U.S. DISTRICT COURT
Plaintiffs,)	WD OF TN, MEMPHIS
)	
vs.)	Case No. 1-02-1111
)	Judge McCalla
HEADWATERS, INC., <i>et al.</i> ,)	Magistrate Judge Anderson
)	
Defendants.)	<u>JURY DEMAND</u>

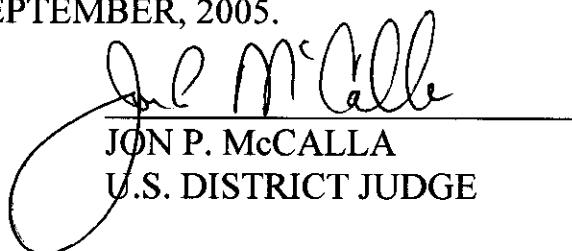
ORDER

IT APPEARS TO THE COURT, that Plaintiffs and the Defendant James Gary Davidson have entered into a settlement agreement pursuant to which all of the Plaintiffs claims against the Defendant Mr. Davidson have been resolved; that the parties to that settlement agreement desire that the Court enter an order dismissing with prejudice the Plaintiffs' claims against the Defendant Davidson pursuant to Fed. R. Civ. Proc. 41(a)(2), without releasing the Plaintiffs' claims against the Defendant Headwaters, Inc.; and that there is no just reason for delay in the entry of a final judgment.

IT IS THEREFORE ORDERED, that Plaintiffs' claims against the Defendant James Gary Davidson are hereby dismissed with prejudice. This dismissal shall not release Plaintiffs' claims against the Defendant Headwaters.

IT IS FURTHER ORDERED, that this Order is certified as final pursuant to Fed. R. Civ. Proc. 54(b).

ENTER THIS 26 DAY OF SEPTEMBER, 2005.



JON P. McCALLA
U.S. DISTRICT JUDGE

Agreed to and Approved for Entry by:



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Attorney for James G. Davidson



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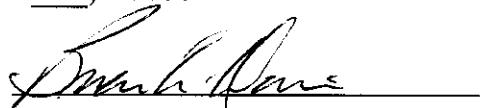
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on:

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by facsimile and first class mail on September 23, 2005.





Notice of Distribution

This notice confirms a copy of the document docketed as number 434 in case 1:02-CV-01111 was distributed by fax, mail, or direct printing on September 26, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT